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Paper No.

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MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Patent No. 7,589,127 : DECISION ON REQUEST
Dorn et al. : FOR
Issue Date: September 15, 2009 : RECONSIDERATION OF
Application No. 10/511,661 : PATENT TERM ADJUSTMENT
Filed: October 18, 2004 : and
Atty Docket No. 21058YP : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on May 18, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and fifty-seven (957) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and fifty-seven (957) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On September 15, 2009, Application No. 10/511,661 matured into U.S. Patent No. 7,589,127, with a patent term adjustment of 655 days. On February 25, 2010, Patentee filed a Request for Recalculation of Patent Term Adjustment in view of Wyeth. On April 21, 2010, the Office mailed a "DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION," indicating that the patent term adjustment had been determined to be 954 days.

The Office notes that the decision of April 21, 2010 was issued in error as it accorded Patentee three fewer days of patent term adjustment than was warranted. The present decision supersedes the decision mailed on April 21, 2010.

The Office has determined that the patent term adjustment for the above-identified patent is **957 days**. The three additional days of adjustment will be added.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred and fifty-seven (957) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,589,127 B2

DATED : **September 15, 2009**

DRAFT

INVENTOR(S) : Dorn et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 655 days

Delete the phrase "by 655 days" and insert – by 957 days--